

## PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 19, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Ms. MURKOWSKI assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Madam President, there will be a period of morning business this morning. Over the course of this morning, the House has passed both conference reports, the DOD appropriations conference report and the spending reduction reconciliation report, as well, early this morning. The first DOD appropriations passed 308 to 106 and the spending reconciliation 212 to 206 in the House just a few hours ago.

As our colleagues know, we have been waiting for House action on those bills so those bills could be sent to this body. They have now completed their work on DOD appropriations, DOD authorization, and the spending reconciliation bill, all three of which we will be addressing over the next several days.

There has been a tremendous amount of work among and between the House and the Senate and among various interested parties, and now we are on the final stretch before the holiday season. It will be a difficult time to get through the next couple of days because of a lot of tension, but I ask for our colleagues' understanding and patience as we go through what will be challenging for us as quickly as possible to address these issues. But all of these will be addressed, plus many oth-

ers. We will be working over the course of the morning to schedule both conference reports, DOD appropriations and the spending reconciliation conference report.

I hope we can schedule Defense authorization, which is another bill we have had on the floor and off the floor and on the floor, and Chairman WARNER has done a tremendous job with that bill. We were hoping to do that several days ago, but the House had not acted on it until this morning. It has now been completed, and we are ready to go to that hopefully this morning. Hopefully here in a few minutes we will have a short time agreement, and then I will be working with the Democratic leader to schedule an appropriate time for that vote.

On the deficit reduction conference report, as my colleagues know, we have 10 hours for debate before that vote. We want to start that time as soon as we can. Every hour we put that off is just an hour later that we will get out of here. We want to get that time started and that debate started as soon as possible—10 hours before we vote on the deficit reduction conference report.

A number of other issues are outstanding. In terms of judges, I am not sure exactly when the next vote will be until we work out the schedule this morning. We will not have any rollcall votes this morning, but I think we have told all of our colleagues that from noon on, we may well be voting. We will just have to alert people in terms of the time.

## BOY SCOUTS AND GIRL SCOUTS OF AMERICA

Mr. FRIST. Madam President, yesterday I had the pleasure of hosting Boy Scouts and Girl Scouts here in the Nation's Capitol in celebration with an event that looked at a bill that will be included in the Department of Defense appropriations bill, and this bill is the Support our Troops Act of 2005. We had an event to celebrate. We had a little press conference, and with the hot lights actually one of the Scouts got a little faint, which many of us do, and it was remarkable to see the Scouts' reaction. They knew exactly what to do and how to handle it as we stood before those cameras.

The event yesterday highlighted the tremendous contributions of Scouting, a much beloved tradition in this country under congressional charter in 1910 and since that point in time has served over 110 million Americans as participants in Scouting. Our efforts here in the Senate have been to protect that tradition for generations to come.

I have worked very closely with Roy Williams, the chief Scout executive for the Boy Scouts of America, and John Cushman, the national president of the Boy Scouts of America, in fashioning this legislation. Both were there at that event yesterday, as well as Troop 1100 from Burke, VA.

I have worked closely with Roy and John to craft what is commonsense

legislation, the Support our Troops Act of 2005. It will be passed here hopefully a little bit later today as part of that DOD bill. It passed this floor in an overwhelming, bipartisan way earlier this year.

The bill is a straightforward victory for the Boy Scouts of America as well as other youth organizations that are helping to mold the hearts and the minds of our young generation today.

Without question, the success of Scouting relies on the commitment of the Scouts and their leaders and their parents. But Scouting also depends on having equal access to public facilities and participation in public programs and forums that allow Scouts to learn their field craft, to sharpen their skills, contribute to their community, and to learn the values that make America great.

Over the last few years, the Boy Scouts have been subjected to repeated attempts to exclude them from public facilities. The attacks have mounted so quickly that exclusion from Government forums has become the greatest legal challenge for the existence of the Boy Scouts.

For example, last year, the Department of Defense was required to notify American military bases worldwide that they cannot provide support to or directly sponsor the Boy Scouts of America. This unfortunate directive came about because of a lawsuit—a vindictive lawsuit—by the American Civil Liberties Union to demand that the Government discontinue its support of the Scouts. Their reason? Because they argue the Scouts are a religious organization. Most Americans would not recognize camping and building trails and fellowship and voluntarism as distinctly religious activities, but the ACLU is bound and determined to undermine the Scouting mission at a time when probably more than ever in history our Nation yearns for stronger community ties, stronger family ties, and stronger fellowship, a culture of integrity, a culture of honesty, and a culture of character for our young people.

That is why I sponsored the Support Our Troops Act, to ensure that the Boy Scouts of America and the Girl Scouts of the United States of America are not subject to unfair legal assaults, to remove any doubt that Federal agencies may, indeed, welcome Scouts onto Federal property, to ensure that State and local governments cannot discriminate against the Scouts.

I have tremendous admiration for the Boy Scouts. I was a Boy Scout. The first question I had yesterday from Scouts was: Were you an Eagle Scout? I said, no, but the one goal I set and should have done was becoming an Eagle Scout.

Scouting meant much to my three boys, Harrison, Jonathan, and Bryan, all of whom participated in Scouts, each of whom I have had the opportunity to camp with many times, with

their troops and with their Scouting entities.

Through exposure to the outdoors, through the hard work and virtues of civic duty, the Boy Scouts have developed millions of young Americans into fine citizens today, community servants and, of course, future leaders. It is an honor to support this fine organization. Those values taught by Scouts have played an important role in shaping my own life and that of my family, and now, because of the Support Our Troops Act, Scouting continues to enrich the lives of countless young boys and girls and their families and their communities as it has always done over the last 100 years, strengthening the fabric of American life.

Madam President, I suggest the absence of a quorum.

ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. STEVENS. Reserving the right to object, I will not object if I can follow the Senator.

The ACTING PRESIDENT pro tempore. It is not in order to reserve the right to object.

Is there objection?

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Wisconsin.

#### ANWR

Mr. FEINGOLD. Madam President, I wish to bring to the attention of the body the extremely troubling tactics that some in this body have used over the past few days to try to push through a legislative proposal that, standing on its own, does not have the support of a majority of the U.S. Congress. And I think these tactics reflect poorly on this body and its leadership. Discarding the rules that govern all of us demonstrates contempt not only for the need to have and follow rules, but for the history, and future, of the United States Senate.

To be clear, I am talking about the inclusion of the Arctic National Wildlife Refuge drilling provision in the Department of Defense appropriations bill, a provision we all know is controversial and has not been able to pass Congress on a variety of occasions.

Drilling in the Arctic has absolutely nothing to do with funding the Defense

Department. The distinguished minority leader has already submitted into the RECORD a letter from five retired U.S. generals who are arguing this very point: Funding for our brave men and women in uniform should not be jeopardized by including a highly controversial and unrelated provision to open up the Arctic National Wildlife Refuge for drilling.

I ask unanimous consent that this letter be again printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 17, 2005.

Hon. BILL FRIST,  
*Majority Leader,*  
Hon. HARRY REID,  
*Minority Leader,*  
*U.S. Senate, Washington, DC*

DEAR SENATOR FRIST AND SENATOR REID: We are very concerned that the FY2006 Defense Appropriations Bill may be further delayed by attaching a controversial non-defense legislative provision to the defense appropriations conference report.

We know that you share our overarching concern for the welfare and needs of our troops. With 160,000 troops fighting in Iraq, another 18,000 in Afghanistan, and tens of thousands more around the world defending this country, Congress must finish its work and provide them the resources they need to do their job.

We believe that any effort to attach controversial legislative language authorizing drilling in the Arctic National Wildlife Refuge (ANWR) to the defense appropriations conference report will jeopardize Congress' ability to provide our troops and their families the resources they need in a timely fashion.

The passion and energy of the debate about drilling in ANWR is well known, and a testament to vibrant debate in our democracy. But it is not helpful to attach such a controversial non-defense legislative issue to a defense appropriations bill. It only invites delay for our troops as Congress debates an important but controversial non-defense issue on a vital bill providing critical funding for our nation's security.

We urge you to keep ANWR off the defense appropriations bill.

Sincerely,

JOSEPH P. HOAR,  
*General, U.S. Marine Corps (Ret.).*  
ANTHONY C. ZINNI,  
*General, U.S. Marine Corps (Ret.).*  
CLAUDIA J. KENNEDY,  
*Lieutenant General, U.S. Army (Ret.).*  
LEE F. GUNN,  
*Vice Admiral, U.S. Navy (Ret.).*  
STEPHEN A. CHENEY,  
*Brigadier General, U.S. Marine Corps (Ret.).*

Mr. FEINGOLD. Thank you, Madam President.

For the benefit of my colleagues, I would like to read from the Senate's Web page and the Web page of the Senate Committee on Rules and Administration—the very places the American public would refer to when interested in learning how the Senate has said it will conduct business. I have printed copies of the relevant pieces of these U.S. Government Web sites, and I ask unanimous consent that these be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STANDING RULES OF THE SENATE

##### CHAPTER 28: CONFERENCE COMMITTEES; REPORTS; OPEN MEETINGS

2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

#### HISTORY OF COMMITTEE ON RULES AND ADMINISTRATION

##### I. INTRODUCTION

All legislative bodies need rules to follow if they are to transact business in an orderly fashion. Legislatures must have established rules if they are to operate fairly, efficiently, and expeditiously.

Mr. Jefferson wrote in his *Manual of Parliamentary Practice* that whether the rules "be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body."

The first Senate understood this concept, and on the next day after a quorum of the Senators appeared and took their oath of office, a special committee was created to "prepare a system of rules for conducting business."

The committee consisting of Senators Ellsworth (Conn.), Lee (Va.), Strong (Mass.), Maclay (Pa.), and Bassett (Del.) was appointed on April 7, 1789, and on April 13, it filed a report which "was read, and ordered to lie until tomorrow, for consideration."

The following day the report was read again, but consideration thereof was put off until April 15. On April 16, the new set of rules, consisting of 19 in total, was adopted, but on April 18, another rule numbered XX, not reported by the committee, was adopted.

The members of this first committee were qualified for their task; all five were lawyers with experience in various legislative bodies. Senators Ellsworth, Strong, and Bassett, in addition to their other legislative experiences, were members of the Federal Convention. Mr. Lee had been President of the Continental Congress as well as a member of other legislative bodies, and Mr. Maclay had served in the Pennsylvania Provincial Assembly.

Other special committees formed to revise or reexamine the Senate rules and to recommend changes therein, were created from time to time until April 17, 1867. On this date a committee of three Senators was appointed "to revise the rules of the Senate, and to report thereon early in the next session." This committee became known as the Select Committee on the Revision of the Rules and, as such, was a continuous committee until December 9, 1874, when it was designated as a standing committee to be known as the Committee on Rules.

From 1789, when the first committee was appointed, until 1867, the beginning of a continuous committee on rules, the Senate created nine special committees to revise the rules of the Senate, but only seven (3) filed reports to the Senate, and, pursuant to such reports during that time, the Senate adopted three general revisions of its rules, none of which were at the beginning of a new session. During that same period, the Senate